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Response to OA of 04/09/2007  
Submitted 07/09/2007

## **II. REMARKS**

4. Applicants appreciate the time that the examiner has spent in reviewing the application and in provided a detailed response.

### **A. References**

5. The office action relied on the following references:

- U.S. Patent Application Publication 2002/0092004, John Michael Lee, et al., entitled "Methods and systems for automatically generating software applications," filed July 26, 2001, ("Lee")
- U.S. Patent Application Publication 20020129096, Peter M. Mansour, et al., entitled "Platform-independent distributed user interface client architecture," filed February 14, 2001, ("Mansour")
- U.S. Patent Application Publication 2004/0015476, Graham Kennedy Twaddle, entitled Method and system for dynamic web-page generation, and computer-readable storage," filed under PCT August 31, 2001, ("Twaddle")

### **B. Overview of Office Action**

6. The office action:

- Withdrew the objection to the specification for failing to provide proper antecedent basis for "internet service provider" in claim 19.
- Withdrew the objections to claims 1 and 5 for informalities.
- Maintained the rejection of claims 1-4, 6-7, 9-14, 17-18, and 20 as being anticipated by Lee.
- Maintained the rejection of claim 5 as being obvious in view of Lee in further view of Twaddle.

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- Maintained the rejection of claims 8 and 19 as being obvious in view of Lee in further view of Mansour.
- Maintained the rejection of claims 15 and 16 as being obvious in view of Lee in further view of Mansour and Twaddle.

7. Reconsideration of this application, in view of the amendments and following remarks, is respectfully requested.

### **III. CLAIM AMENDMENTS**

8. The claims were amended to correct informalities and clerical errors. This amendment adds no new matter. These claim amendments were not made to overcome prior art.

### **IV. PREVIOUS RESPONSE**

9. The previous response submitted December 28, 2006, provided an overview of the present invention, an overview of Lee, and a list of distinguishing factors between the present invention and the cited prior art, which is included herein by reference.

### **V. STRAINED INTERPRETATION AND FLAWED ANALYSIS**

10. Applicants appreciate the time spent by the examiner in considering the application and the prior art, and in preparing a detailed office action. However, applicants respectfully submit that the office action:

- Misunderstands or misapplies the references
- Strains to interpret the references as teaching elements of the invention in ways that are inconsistent with the disclosure of the specification and drawings
- Is flawed in its analysis

11. The following sections will point out the bases for applicants' position.

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**A. Three-Tier Architecture**

12. By August 2002, three-tier architectures (also known as three-layer architectures) for web based applications were well known to those skilled in the art. This architecture is summarized by Lee in the Background section, paragraph [0004]. "In a multi-tier system application responsibilities are distributed in distinct layers, often referred to as tiers. For example, a web browser that accesses the application may represent the presentation tier of the system, the compiled code that serves user requests and enforces business rules represents the business tier, and the compiled code that interacts with a relational database management system (RDBMS) represents the data tier."

13. The following table summarizes the three tiers or layers.

<b>Tier (or Layer)</b>	<b>Typical Implementation</b>
Presentation Tier (also User Interface Layer)	Web Browser
Business Tier (also Logic Layer)	Application Server
Data Tier (also known as Persistence Layer)	Database Server with Database Management System

14. One of ordinary skill in the art would have understood that these three distinct tiers or layers were typically implemented on different physical computers each having its own compiled code stored at the respective tier.

**B. Exhibit A—Partial Claim Chart Showing Elements of Claim 4**

15. Exhibit A, attached at the end of this paper, provides a claim chart showing elements of claim 4 with analysis of the elements that have been misunderstood or misapplied by the office action. Claim 4 is dependent of claim 3, which in turn is dependent on claim 1, thus the elements of claim 1 and claim 3 are also included in the chart.

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16. A proper comparison between the teachings of Lee and the elements of claim 4, as shown in Exhibit A, shows how the office action is flawed in applying Lee to the claim elements. Thus Lee fails to teach each and every element of the claimed invention.

17. The office action relies on Lee [0004] teaching of "data tier," "presentation tier," and "business tier" for teaching applicants' "toolkit programs, stored in said database comprising: i) an application layer, 2) an interface layer, and iii) a core layer" (Claim 1 clauses 3 through 7). However this is a strained and incorrect application of Lee. As shown in Exhibit A, claim 1, clause 2, already claims a "database comprising data tables and storage" which identifies the "data tier" as a different, distinct claimed element. Claim 4, clause 5, claims a "...remote web browser running on a web browsing device..." which identifies the "presentation tier" as a different, distinct claimed element. Claim 4, clause 3, claims a "...web server in communication with said toolkit" which identifies the "business tier" as a different, distinct claimed element. Applicants' Fig. 2 clearly shows the toolkit programs 100 stored in the data tier (database 150) separate and distinct from the web server 240 and the browser running on the users' computers (web browsing devices) 262. Applicant's Fig. 1 shows the distinct layers within the toolkit programs 100, namely application programs 130, interface program 120, and core programs 110.

18. While Lee acknowledges a conventional three-tier architecture, Lee fails to teach the additional required elements of the present invention of claimed. As properly applied Lee fails to teach applicants' "toolkit programs, stored in said database comprising: i) an application layer, 2) an interface layer, and iii) a core layer." As claimed, these toolkit programs are stored in the database (i.e. the data tier). The toolkit programs as claimed

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comprises three layers (which are not the same as the conventional three tiers or layers of the three-tier architecture). These layers are distinctly defined and disclosed in the specification.

**C. Application Layer of Toolkit Programs Not Same As Data Tier**

19. As discussed above, the claimed “application layer” of the “toolkit programs” is not the same as or equivalent to the conventional “data tier.” This is further supported by the application. Fig 1 shows the application programs 130 as part of the toolkit 100 stored within the DBMS 150. Claim 17 requires that “application layer defines the operation of the application, whereby changing the application layer results in a different functional application.” The summary of the invention discloses, “The programs in the toolkit can be grouped into three categories: 1) core programs, 2) interface programs, and 3) application programs. The application programs reference the interface programs to generate dynamic web pages that have a common look and feel, can be customized for specific users, and automatically interface with both convention web browsers and compact mobile devices. ... The application programs provide the customized functionality to display information from the database and to query the user for search criteria and data entry. Application programs are generated with a code generator that takes input from code definition files.” Page 7 further discloses, “The application programs 130 (collectively known as the web application) relate to each function that will be run on the web site.” Page 15 discloses, “The internal architecture is divided into three distinct layers. These are:

- core 110 layer
- interface 120 layer
- application 130 layer”

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Page 16 discloses, "The application 130 layer is the highest layer in the toolkit 100. ... Packages in this layer will reference interface 120 and core 110 level packages. This standardizes the look-and-feel of the web site because each package in the application 130 layer will utilize the same display mechanism. The toolkit 100 contains some application 130 packages already created and in an executable form, completely configured into the menu system and usable. These pre-defined packages (and their corresponding code definition files) support the generic pre-defined component of the system..." Page 18 discloses, "When the toolkit 100 receives a server request 242, it is handled by a specific application 130 package for that web page. The application 130 package contains the logic to process the request."

**D. Interface Layer of Toolkit Programs Not Same As Presentation Tier**

20. As discussed above, the claimed "interface layer" of the "toolkit programs" is not the same as or equivalent to the conventional "presentation tier." This is further supported by the application. Fig 1 shows the interface programs 120 as part of the toolkit 100 stored within the DBMS 150. Claim 14 requires that "interface layer defines a plurality of looks and feels whereby one look and feel can be changed though out the entire application without changing the remaining looks and feels and without changing the application layer." The summary of the invention discloses, "The programs in the toolkit can be grouped into three categories: 1) core programs, 2) interface programs, and 3) application programs. ... The core programs provide a foundation for robust functionality needed by high-end commerce sites." Page 7 discloses, "The interface programs 120 relate to the look and feel for the entire web site. These manage the overall web site look as well as page/form components that comprise every page body and menu in the web site. ... This part of the toolkit isolates the application programs 130 for having to deal with the details of page layout, screen sizes, etc." Page 16 discloses, "The interface 120

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layer is the middle layer and references only the lower core 110 layer. The visual routines that are used by the entire web site are contained in this layer. It is in this layer where the development team 208 must make changes in order to customize the web site to support a new layout or page design (look-and-feel) or add database functionality. Alternatively, this layer can be left as-is, using the default settings, and no visual changes will occur and the standardized database functionality will remain. In addition, any new custom layouts can be added to the library of supplied layouts for future use.” Page 19 discloses, “The interface 120 then formats the necessary display data, form elements, or images by making appropriate calls (toolkit requests 248) to the web toolkit 230.”

**E. Core Layer of Toolkit Programs Not Same As Business Tier**

21. As discussed above, the claimed “core layer” of the “toolkit programs” is not the same as or equivalent to the conventional “business tier.” This is further supported by the application. Fig 1 shows the core programs 110 as part of the toolkit 100 stored within the DBMS 150. Claim 18 requires that “core layer defines the operation of the system itself, whereby changing the core layer results in providing system wide functionalities that affect all applications.” The summary of the invention discloses, “The programs in the toolkit can be grouped into three categories: 1) core programs, 2) interface programs, and 3) application programs. ... The core programs provide a foundation for robust functionality needed by high-end commerce sites.” Page 7 discloses, “The core programs 110 transcend any web site implementation and provide that part of the framework that is the foundation upon which the other toolkit programs are built. For this reason the development team rarely will need to modify this code.” Page 15 discloses, “The core 110 layer is lowest layer of toolkit 100. It is a stable static layer. It should not need to be changed or require customization to function.”

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**F. Non-analogous Analogies: Saw Mill or Wood Shop versus Customizable Prefabricated Homes**

22. The distinction between what is taught by Lee and what is claimed by Applicants' invention can be seen by analogy. Lee can be compared to a saw mill or wood shop, while Applicants' invention is like a prefabricated home.

23. Lee provides the user with a way making individual pieces that make up a web site. This is analogous to a sawmill that allows a user to make 2 x 4 boards, or a wood shop that allows a user to make wood trim that can go around the floor board or around the door. These individual board pieces can later be used to make a home.

24. In contrast, Applicants' invention is much more, where "a fully functional web site is provided by a customizable toolkit 100" (page 6). "The system of the present invention provides for rapid customization of the framework and toolkit programs to produce robust web applications." Instead of providing a way to define individual boards which is conventional, Applicants' invention provides a fully prefabricated home. All of the robust features are fully implemented and present. The fully functional and complete house can then be modified at a high level. Changes at this level would be analogous to changing the color of the entire house, or move a pre-existing wall or door to a different location within the complete framework of the entire house.

25. When properly understood, Lee does not teach each and every element of Applicants' claimed invention. Lee does not teach providing a fully functional toolkit that requires little customization, instead Lee merely teaches a conventional method of defining data tables that can be put together to later build a web site.



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26. Applicants' invention provides much more and provides results and advantages that are not provide by Lee. As stated on page 19, applicants' invention:

- simplifies the creation of complex websites,
- reduces development costs (by hundreds of thousands of dollars) while providing quicker and more timely testing and feedback,
- higher performance,
- robust features (built in)
- consistent look and feel, which can easily be modified throughout the entire web site
- automated design documents,
- easier debugging,
- etc.

**G. Code Definition Files Distinct from Data Definition Files**

27. As shown in Exhibit A and illustrated in Fig. 1 and Fig. 3, Applicants' code definition files 160 are distinct from the data definition files 180 and both are used as inputs for different generator programs. Claim 1, clause 8 (claim 1(d)) is a distinct element from claim 1, clause 9 (claim 1(e)). The office action relies on Lee for teaching these distinct elements; however, Lee clearly states that the elements relied on contain the same data, one being an input to the generator program and the other being an output from the generator program, e.g. "the design database file 34 created by the design program 26 is passed to the generator program 28 where it is reformatted as an extensible markup language (XML) meta document." (Lee [0036]). In contrast, Applicants' data definition files are "...scripts that are also used by documentation generators" (Abstract) while the "code definition files provid[e] input to the code generator" (claim 1, clause 8). See also Fig. 1. Page 3 discloses "Application programs are generated with

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a code generator that takes input from code definition files. Database tables, for both user data and system operation data, are created by scripts that are also used by the documentation generators to produce documentation." Page 8 discloses, "The same data definition files 180 are processed by the database 150 to create the data tables." Thus, Lee as cited fails to clearly teach these two required, distinct claimed elements.

#### **H. Operation Data Not the Same as Stored Procedural Code**

28. As shown in Exhibit A and illustrated in Fig. 1, Applicants' operational data is not the same as stored procedural code. Claim 1, clause 12 requires operational data stored in data tables (along with, but distinct, from user data). The office action relies on Lee's [0065] "stored procedural code" for teaching this required element. Again, the office action strains to interpret Lee in a way that would teach Applicant's invention. Applicants' "operation data" is data stored in data tables, as required by the claim language, and which like the user data tables created by data definition file scripts, which are distinct from the procedural code which is stored in the database. See discussion above. Thus, Lee as cited fails to clearly teach the required element "operational data".

#### **I. Toolkit Not the Same as Generated System Files or Web Server**

29. As shown in Exhibit A and illustrated in Fig. 2 and Fig. 3, Applicants' toolkit is not the same as, and is distinct from, the web server. Claim 4, clause 4 requires "a file system in communication with said toolkit". The office action relies on Lee's [0072] "web server accesses generated system files" for teaching this required element. Again, the office action strains to interpret Lee in a way that would teach Applicant's invention. Fig. 2 and Fig. 3 shows Applicants' "toolkit 100" as distinct from the web server 240 and the file system 222. Thus, Lee as cited fails to clearly teach the required element.

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**J. Formats Not the Same as Lee [0087] Languages**

30. Applicants' web page formats is not the same as different languages as taught by Lee [0087]. Claim 6, requires the "system to generate pages for a plurality of formats". The claim term "formats" must include those "for a conventional web browser" (claim 7) and "for a mobile device, such as a mobile phone or personal digital assistant" (claim 8). The office action relies on Lee's [0087] "generates web documents for different languages" for teaching this required element. The office action misunderstands Lee. Lee teaches conventional HTML with hooks for server-side programing. Lee fails to teach different formats for different devices, such as conventional web browsers with large windows and mobile devices with smaller format display screens. Thus, Lee as cited fails to clearly teach the required element.

**K. Default Data Tables Not the Same as Default Values**

31. As discussed above, Applicants' provides a complete fully functional data driven web site, include complete data tables. Claim 9, requires "a fully functional web site" with "default data tables". The office action relies on Lee's [0046] "default values for defined entities" for teaching this required element. The office action misunderstands Lee. Lee teaches a default value for each individual attribute. This is not the same or equivalent to the required claim language which requires default data tables. Again, this highlights the major distinction discussed above, Lee, by analogy, provides a default board with 2 x 4 dimension attributes, while Applicants' invention provides the entire "fully functional" home by default. Thus, Lee as cited fails to clearly teach the required element of default data tables.

**L. Customizing Application by Changing Code Definition Files**

32. Claim 1, clause 13; claim 11; and claim 13 and its depended claims 14 through 19, require changing the application by changing code definition files. The office action

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relies on Lee's [0068] direct manipulation or modification of the generated software application to add custom features not included by default through the use of the design program or generator program for teaching this required element. The office action misunderstands Lee. Lee teaches a modifying code that has already been generated. This is not the same or equivalent to the required claim language which requires modifying code definition files. Thus, Lee as cited fails to clearly teach the required elements of these claims.

33. Also for the claims 13 and its dependents, in particular claim 18, the office action relies on its flawed interpretation of the three-tier architecture discussed above.

#### **VI. PREAMBLE SHOULD BE GIVEN PATENTABLE WEIGHT**

34. The preamble of claim 1 contains the clause "developing and maintaining a network based application wherein said application has a common look and feel." Claim 1 and dependent claims depend on the preamble for completeness. For example, claims 14 and 15 refer to the "look and feel" element of the preamble of claim 1. Further referring to Exhibit A, claim 1, clauses 10, 11, and 13 incorporates "said application" in its limitations. Further claim 4, claim 10, claim 13, claim 14, and claim 17, explicitly depends on "said application" from the preamble of claim 1. Applicant submits that the preamble (i.e. claim 1, clause 1) should be given patentable weight for claim 1 and each of its dependent claims.

35. Further as discussed by example below, Applicants submit that the dependent claims do not have their own preambles as suggested by the office action.

#### **VII. RECITED ELEMENTS ARE IN THE REJECTED CLAIMS**

36. The office action notes that features upon which the application relies, for example as "the toolkit comes complete with an initial working database model (that manages those functions common to most web sites) and the web site user interface pages including

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graphics, code and pre-programmed modules that can be used as is or customized. They are included in the project and are fully functional" ([0036]:13-18) are not recited in the claims. Applicants submit that many of these elements are included in the claims as discussed above, for example, see discussion of "application has a common look and feel," "default data tables," "fully functional web site," etc.

#### **VIII. DIFFERENT MEANS NOT REARRANGEMENT OF PARTS**

37. *Pro se* Applicant understands that for Lee to anticipate, it teach each and every element of each claim, and have the same principle or mode of operation. In other words Lee must satisfy all three parts of the function-way-result test. To be equivalent Lee's element must performs substantially the same function in substantially the same way to achieve substantially the same result. In the previous reply, Applicants attempted to state that Lee was not equivalent because it did not teach the same function, it did not use the same way or means, or did not achieve the same result. As discussed above, as well as in the previous reply, Lee does not teach the same elements and does not accomplish the same overall result. Applicants previously asserted the Lee lacked required elements rather than the elements were merely rearranged.

#### **IX. OTHER COMMENTS**

38. Regarding Office Action section H on page 24, claim 2 requires the limitation "wherein said document generator generates documentation of the design details of the system in at least one document format." The "wherein" limitation is not a statement of intended use but provides a structural limitation the document generator design details of the system.

39. "Documentation" is understood to mean user documentation. This is supported by the specification on page 8, "The documents produced include detailed entity-

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relationship and attribute documents and documentation on the code functions. Good results have been obtained by generating MIF files for Adobe FrameMaker and Rich Text Format (RTF) for Microsoft Word.” One of ordinary skill in the art would understand that FrameMaker and Microsoft Word are used for documentation to be read by human users.

40. As discussed above Lee’s generator program reformats (and validates) the design database file in XML which one of ordinary skill in the art would not be user documentation but machine readable data definition files.

41. Regarding page 34, the office action states, “[t]he system of claim 4 further comprising a predetermined set of code definition files and data definition files, wherein said set of definition files provides a fully functional web site’ has not been given patentable weight because the recitation occurs in the preamble.” Applicants’ respectfully disagree and submit that the cited language is not a preamble, but is a common way of adding a further structural elements to a claim upon which this claim depends”. Each of these limitations should be given patentable weight.

42. Further as discussed above, Lee does not provide a fully functional web site but tools to build parts.

43. Regarding page 49, the office action states that “e-mail services for several users produce dynamic web pages for a specific user at the same time. An example would be yahoo mail, google mail, hotmail, etc. Hence the claimed limitation is very well known...” However, the office action cites to Google mail which was not even announced until April 2004. The other cited email service have changed features over time. Thus the office action has not provided support that such services and features were well-known in August of 2001 (the prior publication date for this application based on the provisional application filing date of August 21,

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2002), or even in August 2003, the filing date of the application. Further, generating user specific emails is not the same as generating user specific web pages on a web site.

**A. Distinctions over Lee**

44. There are many distinctions between what is taught by Lee and the present invention. For example, in one embodiment of the present invention, the generated code is compiled and then dynamically creates HTML and WAP pages. This dynamic generation makes decisions that take into account parameters such as requesting browser on a computer or a phone, PDA, etc. It can also consider data such as user, company and other preferences. All of these can have an effect on the output dynamically produced. Lee does not do this. In addition, it appears that the platform(s) chosen by Lee would not support such functionality.

**X. REJECTIONS**

45. As discussed above, Lee does not anticipate nor render obvious claims 1 through 20.

**A. Claim 1**

46. As shown in Exhibit A and discussed in detail above, when properly understood and applied, Lee fails to clear teach or suggest several required claim elements, including:

- "toolkit programs, stored in said database"
- "an application layer" of "toolkit programs" (distinct from a data tier)
- "an interface layer" of "toolkit programs" (distinct from a presentation tier)
- "a core layer" of "toolkit programs" (distinct from a business tier)
- "code definition files providing input to the code generator" distinct from "data definition files for defining said data tables"

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- “operational data” (distinct from stored programs)
- customizing “the operation of a plurality of portions of said application ... by making a single modification to said code definition files”

47. Thus, claim 1 is not anticipated by Lee.

**B. Claim 2**

48. Claim 2 is dependent on claim 1 and is therefore patentable for all the reasons that claim 1 is patentable.

49. Claim 2 further requires a document generator, distinct from the code generator wherein “document generator generates documentation of the design details of the system.”

50. As discussed in detail above, when properly understood and applied, Lee fails to clear teach or suggest this required claim element.

**C. Claim 3**

51. Claim 3 is dependent on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

**D. Claim 4**

52. Claim 4 is dependent on claim 3 and ultimately on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

53. Claim 4 further requires distinct elements not yet recited in claim 1 including a web server (business tier), file system in communication with the toolkit of claim 1, database and browsers (presentation tier).



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54. As shown in Exhibit A and discussed in detail above, claim 4 illustrates the flaws in the analysis provided by the office action. Further, the toolkit 100 is distinct from the web server 240, so the web server relied upon by the office action does not teach the required element of claim 4, clause 4.

55. Lee does not teach all the elements required by claim 4, and thus Lee does not anticipate claim 4.

**E. Claim 5**

56. Claim 5 is dependent on claim 4 and ultimately on claim 1.

57. Claim 5 further requires distinct elements not yet recited in claim 1, namely, "a second web browser being viewed by a second user, wherein said web pages are customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated from the second user." The office action relies on the combination of Lee and Twaddle. The proposed combination when properly understood and applied still lacks the suggestion of the following elements:

- "toolkit programs, stored in said database"
- "an application layer" of "toolkit programs" (distinct from a data tier)
- "an interface layer" of "toolkit programs" (distinct from a presentation tier)
- "a core layer" of "toolkit programs" (distinct from a business tier)
- "code definition files providing input to the code generator" distinct from "data definition files for defining said data tables"
- "operational data" (distinct from stored programs)
- customizing "the operation of a plurality of portions of said application ... by making a single modification to said code definition files"

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58. Further, as discussed above, the generation of email as different web pages is not the same as displaying the same web page with differently for different users. Further Google mail, cited by the office action, is not prior art.

59. The present invention teaches that the web sites are generated completely dynamically allowing for a check to be performed on which user is accessing the application and in return display user specific HTML or content – even if the exact same page is requested.

60. Thus the combination of Lee and Twaddle fail to suggest the invention as claimed by claim 5.

**F. Claim 6**

61. Claim 6 is dependent on claim 4 and ultimately on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

62. Claim 6 further requires distinct elements not yet recited in claim 1 including where “the system generates web pages for a plurality of formats.”

63. Lee does not teach all the elements required by claim 6, and thus Lee does not anticipate claim 6.

**G. Claim 7**

64. Claim 7 is dependent on claim 6 and ultimately on claims 1 and 4 and thus should be patentable for all the same reasons that claims 1, 4, and 6 are patentable over Lee.

65. Claim 7 further requires distinct elements not yet recited in claim 6 including “wherein said format is for a conventional web browser.”

66. Lee does not teach all the elements required by claim 7, and thus Lee does not anticipate claim 7.

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#### H. Claim 8

67. Claim 8 is dependent on claim 6 and ultimately on claims 1 and 4.

68. Claim 8 further requires distinct elements not yet recited in claims 1, 4, and 6, namely, "wherein said format is for a mobile device, such as a mobile phone or personal digital assistant." The office action relies on the combination of Lee and Mansour. The proposed combination when properly understood and applied still lacks the suggestion of the following elements:

- "toolkit programs, stored in said database"
- "an application layer" of "toolkit programs" (distinct from a data tier)
- "an interface layer" of "toolkit programs" (distinct from a presentation tier)
- "a core layer" of "toolkit programs" (distinct from a business tier)
- "code definition files providing input to the code generator" distinct from "data definition files for defining said data tables"
- "operational data" (distinct from stored programs)
- customizing "the operation of a plurality of portions of said application ... by making a single modification to said code definition files"
- "a web server in communication with said toolkit" of claim 1
- "a file system in communication with said toolkit" of claim 1
- "wherein the system generates web pages for a plurality of formats"

69. Thus the combination of Lee and Mansour fail to suggest the invention as claimed by claim 8.

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**I. Claim 9**

70. Claim 9 is dependent on claim 4 and ultimately on claim 1 and thus should be patentable for all the same reasons that claims 1 and 4 are patentable over Lee.

71. Claim 9 further requires distinct elements not yet recited in claim 4 including “a predetermined set of code definition files and data definition files, wherein said set of definition files provides a fully functional web site, comprising:

- a) default data tables,
- b) user interface pages,
- c) graphics,
- d) toolkit programs providing commonly needed features, such as user accounts, password management, web site administration, billing, and security,

whereby a substantially robust web site application is provided without modification of said definition files.”

72. As discussed above, Lee does not clear teach “a fully functional web site,” “default data tables,” the “toolkit programs” of claim 1, or a “robust web site application [being] provided without modification of said definition files.”

73. Lee does not teach all the elements required by claim 7, and thus Lee does not anticipate claim 7.

**J. Claim 10**

74. Claim 10 is dependent on claim 9 and ultimately on claims 1 and 4 and thus should be patentable for all the same reasons that claims 1, 4, and 9 are patentable over Lee.

75. Claim 10 further requires distinct elements not yet recited in claim 9 including “wherein said predetermined set of files provides a working example of how to

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generate an application such as said robust website application, wherein said working example provides a starting point for developing a substantially different application by modification of said definition files”

76. As discussed above, Lee does not clear teach “working example of how to generate an application such as said robust web site application.”

77. The present invention teaches a preprogrammed, initial working web site: “the toolkit comes complete with an initial working database model (that manages those functions common to most web sites) and the web site user interface pages including graphics, code and pre-programmed modules that can be used as is or customized. They are included in the project and are fully functional. ([0036]:13-18). Lee does not teach all the elements required by claim 10, and thus Lee does not anticipate claim 10.

**K. Claim 11**

78. Claim 11 is dependent on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

79. Claim 11 further requires distinct elements not yet recited in claim 1 including “wherein said code generator, said data database, and the interface and operation of said application is customized by modifying said code definition files and data definition files.”

80. Lee fails to teach, for example, that the code generator is customized by modifying code definition files and data definition files.

81. Lee does not teach all the elements required by claim 4, and thus Lee does not anticipate claim 4.

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**L. Claim 12**

82. Claim 11 is dependent on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

**M. Claim 13**

83. Claim 13 is dependent on claim 1 and thus should be patentable for all the same reasons that claim 1 is patentable over Lee.

84. Claim 13 requires that the toolkit programs have three distinct layers and specific layers. As discussed above those specific layers are not specifically taught by Lee.

**N. Claim 14**

85. Claim 14 is dependent on claim 31 and thus should be patentable for all the same reasons that claim 13 is patentable over Lee.

**O. Claims 15 and 16**

86. Claims 15 and 16 are is dependent on claim 13 and ultimately on claims 1 and 13.

87. Claims 15 and 16 further requires distinct elements not yet recited in claims 13 (as discussed above).

88. Thus the combination of Lee, Twaddle, Mansour fail to suggest the invention as claimed by claims 15 and 16.

**P. Claim 17:**

89. Claim 17 is dependent on claim 13 and thus should be patentable for all the same reasons that claim 13 is patentable over Lee.

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**Q. Claim 18**

90. Claim 18 is dependent on claim 13 and thus should be patentable for all the same reasons that claim 13 is patentable over Lee.

91. The present invention requires "The system of claim 1 wherein one of said application layer, said interface layer, and said core layer can be changed without changing the remaining two layers, whereby such change results in a difference in said application" (Claim 13) for example showing independence of layers.

92. Lee does not teach or suggest the required elements of claim 18.

**R. Claim 19**

93. Claim 19 is dependent on claim 18 and ultimately on claims 1 and 13.

94. Claim 19 further requires distinct elements not yet recited in claims 1 and 13, namely, "at least one Internet server configured for hosting a substantially large number of applications, wherein said server is operated by an Internet Service Provider providing services to a plurality of application owners, whereby each of said application owners share a common application or core layer and is provided a custom look and feel for their specific application by customization of the data in the database that affects the interface." The office action relies on the combination of Lee and Mansour. The proposed combination when properly understood and applied still lacks the suggestion of the following elements:

- "toolkit programs, stored in said database"
- "an application layer" of "toolkit programs" (distinct from a data tier)
- "an interface layer" of "toolkit programs" (distinct from a presentation tier)
- "a core layer" of "toolkit programs" (distinct from a business tier)

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- “code definition files providing input to the code generator” distinct from “data definition files for defining said data tables”
- “operational data” (distinct from stored programs)
- customizing “the operation of a plurality of portions of said application ... by making a single modification to said code definition files”
- “wherein one of said application layer, said interface layer, and said core layer is changed without changing the remaining two layers, whereby such change results in a difference in said application”

95. Thus the combination of Lee and Mansour fail to suggest the invention as claimed by claim 19.

**S. Claim 20**

96. Claim 20 contains many of the elements discussed above. Lee fails to anticipate claim 20 as discussed above.

**XI. WITHDRAWAL OF FINAL REJECTION**

97. In view of the foregoing remarks, applicants request withdrawal of the final status and reconsideration of the application.

**XII. CONCLUSION**

The undersigned respectfully submits that, in view of the foregoing remarks, the present application is believed to be in condition for allowance. It is respectfully requested that this application be considered and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned at 408-739-9517.



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Respectfully submitted,



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**Exhibit A**  
**Partial Claim Chart Showing Elements of Claim 4**

Claim	Office Action	Analysis
<i>Claim 1, clause 1 (preamble)</i> 1. A system for developing and maintaining a network based application wherein said application has a common look and feel, said system comprising:		The body of Claim 1 and dependent claims depend on the preamble, so the preamble should be given patentable weight.
<i>Claim 1, clause 2</i> a) a database comprising data tables and storage,		One of ordinary skill in the art would understand this element to be the "data tier" instead of claim 1, clause 5.
<i>Claim 1, clause 3</i> b) a code generator interfacing with said database,		
<i>Claim 1, clause 4</i> c) toolkit programs, stored in said database, comprising:		The following three elements comprise toolkit programs which are stored in the database. These are not taught by Lee as cited in the office action.
<i>Claim 1, clause 5</i> i) an application layer,	[0004] data tier	Our application layer of toolkit programs is not the same as the data tier. See claim 1, clause 2
<i>Claim 1, clause 6</i> ii) an interface layer, and	[0004] presentation tier	Our interface layer of toolkit programs is not the same as the presentation tier. See claim 4, clause 5.
<i>Claim 1, clause 7</i> iii) a core layer	[0004] business tier	Our core layer of toolkit programs is not the same as the data tier. See claim 4, clause 3.
<i>Claim 1, clause 8</i> d) code definition files providing input to the code generator,	[0036] design database file	Our code definition files are distinct from the data definition files. Contrast claim 1 clause 9.
<i>Claim 1, clause 9</i> e) data definition files for defining said data tables,	[0034 (sic 0037)] XML document	Our data definition files are distinct from our code definition files. Contrast claim 1, clause 8.

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<i>Claim 1, clause 10</i> wherein said code generator generates code for said application by processing code definition files,		
<i>Claim 1, clause 11</i> wherein said data definition files configure said data tables to support said toolkit and said application,		
<i>Claim 1, clause 12</i> wherein said data tables comprise user data and operational data for said system,	[0081] user data, [0065] stored procedural code	Our "operation data" is not stored procedures but data stored in the database for use by the system. Data is distinct from stored programs (procedural code), see claim 1, clause 4 and claim 4, clause 6.
<i>Claim 1, clause 13</i> whereby the operation of a plurality of portions of said application is modified by making a single modification to said code definition files.	[0068] direct manipulation or modification of the generated software application to add custom features <u>not included by default through the use of the design program or generator program.</u>	The operation of our application is made by modifying the "code definition files" not by modifying the generated software after it has been generated. In contrast Lee teaches modifying the code after it has been generated.
<i>Claim 3</i> 3. The system of claim 1, wherein said network is the Internet.		
<i>Claim 4, clause 1</i> 4. The system of claim 3, further comprising:		
<i>Claim 4, clause 2</i> a) a web site, connected to the Internet, comprising:		
<i>Claim 4, clause 3</i> i) a web server in communication with said toolkit,		One of ordinary skill in the art would understand this element to be the "business tier" instead of claim 1, clause 7.
<i>Claim 4, clause 4</i> ii) a file system in communication with said toolkit,	[0072] web server accesses generated system files	The toolkit 100 is distinct from the web server 240. See Fig. 2 and Fig. 3.
<i>Claim 4, clause 5</i> b) at least one remote web		One of ordinary skill in the art would understand this

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browser running on a web browsing device connected to the Internet,		element to be the "presentation tier" instead of claim 1, clause 6.
<i>Claim 4, clause 6</i> wherein said system generates dynamic web pages based on data and programs stored in said database,		Data and programs are distinct claim elements. See claim 1, clauses 4 and 12.
<i>Claim 4, clause 7</i> whereby a user interacts with said application and views said web pages.		